

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

DSS a.s.,

Plaintiff,

v.

Pacem Defense LLC,

Defendant.

Civil No. 1:24-cv-01331-MSN-LRV

**DEFENDANT’S MOTION TO WITHDRAW
NOTICE OF WAIVER OF ORAL ARGUMENT**

Defendant Pacem Defense LLC (“Defendant”), by and through undersigned counsel, moves to withdraw its Notice of Waiver of Oral Argument (Dkt. No. 19) filed on September 6, 2024, and in support thereof further states as follows:

1. On September 5, 2024, Defendant filed a Partial Motion to Dismiss asking the Court to dismiss Counts 1, 3, and 4 of Plaintiff DSS a.s.’s (“Plaintiff’s”) Complaint (Dkt. Nos. 14 and 15, collectively the “Motion”).

2. On September 6, 2024, Defendant filed a Notice of Waiver of Oral Argument on the Motion (Dkt. No. 19).

3. On September 19, 2024, Plaintiff filed its Opposition to the Motion (Dkt No. 23), and on September 25, 2024, Defendant filed its Reply in support of the Motion (Dkt. No. 28).

4. Pursuant to Local Civil Rule 7(E), counsel for Plaintiff and counsel for Defendant met and conferred via telephone on October 3, 2024 to discuss whether the parties could narrow the areas of disagreement raised by the Motion and whether the Motion should be set for a hearing.

5. The parties agreed to set the Motion for a hearing on November 8, 2024, as reflected in the Notice of Hearing filed concurrent herewith (Dkt. No. 30).

6. Given that the parties have set the Motion for a hearing, Defendant moves to withdraw the Notice of Waiver of Oral Argument filed on September 6, 2024 (Dkt. No. 19).

WHEREFORE, Defendant respectfully requests that the Court grant Defendant's Motion to Withdraw the Notice of Waiver of Oral Argument.

Dated: October 4, 2024

Respectfully submitted,

By: /s/ Philip J. O'Beirne

Philip J. O'Beirne (Virginia Bar No. 71956)

Michael A. Petrino (Virginia Bar No. 77187)

STEIN MITCHELL BEATO &

MISSNER LLP

2000 K. Street NW, Suite 600

Washington, DC 20006

(202) 737-7777

POBeirne@steinmitchell.com

MPetrino@steinmitchell.com

Counsel for Pacem Defense LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2024, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to all CM/ECF participants, including counsel for Plaintiff DSS a.s.

/s/ Philip J. O'Beirne
Philip J. O'Beirne